

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
SPRINGFIELD DIVISION

MASSACHUSETTS FAIR HOUSING  
CENTER,

HOUSING WORKS, INC.,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT,

MARCIA L. FUDGE, Secretary of the U.S.  
Department of Housing and Urban  
Development,

Defendants.

No. 3:20-cv-11765-MGM

The Hon. Mark G. Mastroianni

**JOINT STATUS REPORT**

Pursuant to this Court's April 6, 2022, Electronic Order, ECF No. 53, the Parties file this joint status report.

1. Plaintiffs challenge Defendants' issuance of a final rule, *HUD's Implementation of the Fair Housing Act's Disparate Impact Standard*, 85 Fed. Reg. 60288 (Sept. 24, 2020) ("2020 Rule"), under the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.* See Compl., ECF No. 1.

2. On October 25, 2020, prior to the effective date of the 2020 Rule, this Court issued a preliminary injunction of the 2020 Rule and stayed the effective date of the Rule in its entirety pending final resolution of Plaintiffs' claims. See *Mass. Fair Hous. Ctr. v. U.S. Dep't of Hous. & Urban Dev.*, 496 F. Supp. 3d 600 (D. Mass. 2020). On December 23, 2020, Defendants filed a Notice of Appeal of that decision; however, on February 9, 2021, Defendants filed a motion to voluntarily dismiss their appeal and do not seek to lift the stay. The § 705 stay remains in effect; the 2020 Rule never went into effect.

3. On June 25, 2021, HUD published a proposed rule in the Federal Register in which HUD states that it has reconsidered the 2020 Rule and is proposing to recodify its 2013

Rule. *See* Reinstatement of HUD's Discriminatory Effects Standard, 86 Fed. Reg. 33590 (June 25, 2021). HUD gave all interested persons 60 days to provide comments, *see id.*, and HUD currently anticipates finalizing its review and response to comments received and publishing a final rule later this year.

4. Accordingly, to allow for continued review of the comments and the inter-agency review process, the Parties propose to continue the stay of this case. The Parties propose to file another joint status report apprising the Court of the status of the rulemaking process by September 30, 2022.

Dated: June 30, 2022

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

Pursuant to Fed. R. Civ. P. 5(b)(2)(E), Defendants effected service of this filing on all other parties to these actions by filing it with the Court's electronic filing system.

s/ James D. Todd Jr.  
JAMES D. TODD, JR.